

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

U.S. EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION,

Plaintiff,

and

ANEDA BIRKNER,

Plaintiff-Intervenor,

V.

GUARDSMARK, LLC.,

Defendants.

[illegible]

CIVIL ACTION NO. H-09-3062

## ORDER

Before the Magistrate Judge upon referral from the District Judge is Defendant's Motion to Compel Plaintiff-Intervenor Aneda Birkner to Provide Complete Responses to Defendant's Interrogatory No. 5 and Requests for Production Nos. 4, 8, 12-14, 37-39, 43-46, 56, 58, and 71 (Document No. 50). In response to motion, Plaintiff provided Defendant with amended responses to the discovery requests made the basis of Defendant's Motion. Thereafter, in a Reply Brief (Document No. 58), Defendant stated that its motion is moot with respect to Requests for Production Nos. 8, 12-14, 37-39, 43-46, 56, 58 and 74, but that a ruling was still needed with respect to Interrogatory No. 5 and Request for Production No. 4.

With respect to Interrogatory No. 5, Defendant's complaint about the sufficiency of Plaintiff's response is based on the fact that Plaintiff did not verify her amended answer. As for

Request for Production No. 4, Defendant complains that it has not received all relevant pages of Ms. Birkner's diary. Having considered the remaining two complaints, it is

ORDERED that Defendant's Motion to Compel (Document No. .50) is GRANTED in PART, and Plaintiff shall, within seven (7) days after the entry of this Order, provide Defendant with a verified response to Interrogatory No. 5, and all portions of Ms. Birkner's diary that are relevant to the claims and defenses in this case.

Signed at Houston, Texas, this 17<sup>th</sup> day of August, 2010.

  
FRANCES H. STACY  
UNITED STATES MAGISTRATE JUDGE